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10/759,679	01/19/2004	Robert G. Arsensault	PD-980208A	8613
20/991 7590 05/11/2009 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 2230 E. IMPERIAL HIGHWAY EL SEGUNDO, CA 90245				
EXAMINER				
CHIN, RICKY				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicants arguments filed April 17, 2009 have been fully considered but are not persuasive. Applicant argues that one of ordinary skill in the art would not have combined Ebisawa and Artigalas. Applicant argues this by stating that they offer different solutions to the problem of bandwidth reductions thereby teaching away from any combination since Ebisawa requires additional transmission bandwidth so as to save storage space and Artigalas relieves transmission requirements, but at the cost of substantially increased memory requirements. The examiner respectfully disagrees. Artigalas and Ebisawa do not offer different solutions as they both require transmission bandwidth for transmitting simultaneously and receiving content from multiple channels and storage capabilities for storing the content. Applicant argues that Artigalas relieves transmission requirements. However, the transmission requirements are no more relieved than that of Ebisawa since the programs are still ultimately transmitted simultaneously throughout the different channels when requested. Moreover, applicant argues that Ebisawa reduces storage at the cost of additional transmission bandwidth since multiple channels are needed. However, as mentioned above, Artigalas also requires the use of multiple channels for the receiving of the programs, and thus they do not offer different solutions as far as transmission requirements. Hence, the only difference in approach between Artigalas and Ebisawa is that Artigalas may require more storage than that of Ebisawa. However, having more storage capacity is merely a design preference of the storing apparatus and would have been obvious to one of

ordinary skill in the art to have modified the teachings of only pre-storing only a portion of the media as taught by Ebisawa to incorporate including more storage capabilities as to be able to store additional programming as taught by Artigalas such that the programs may be recorded and accessed at later times for user convenience. Furthermore, the examiner merely extracts the notoriously well-known feature of receiving programs simultaneously on different channels in parallel as taught by Artigalas (col. 3 lines 10-13 and col. 4 lines 10-35) and also as taught by Eager et al., US 6,868,452 (See col. 2 lines 30-65 and col. 7 lines 8- col. 8 lines 10 which discloses receiving time segments of the same program in parallel) referenced from the most recently submitted IDS of 4/17/09. Therefore, it would not have precluded one of ordinary skill in the art from modifying the teachings of Ebisawa to incorporate the well known feature of receiving programs simultaneously on different channels in parallel as taught by Artigalas and Eager such that the received segments of Ebisawa are also received simultaneously on different channels in parallel for the mere benefit of being able record multiple transmissions on different channels for playback options and/or for design preferences such that the programs may be recorded and accessed at later times for user convenience as well as minimizing the time to receive a complete program for viewing. Therefore, not only is the combination of Ebisawa and Artigalas proper but the combination of Ebisawa and Eager is also proper.

Applicant further argues that even when combined, Ebisawa and Artigalas do not teach the applicants invention. Applicant argues this by referring to the Artigalas

teaching of the reception of different programs on different channels for pre-storage of the entire program in advance and that the combination would yield to a system in which the first n minutes of multiple media programs would be transmitted on multiple channels for pre-storage in the receiver, and not a system in which multiple channels are used to receive and store the same program after the program has been requested. The examiner respectfully disagrees. Artigas teaches that programs residing on different channels may be received in parallel and as noted before in the office action of 2/18/09, whether or not the program is the same or of different programs is relative to what is being broadcast on the different channels and of what the user desires and selects. In other words, although Ebisawa teaches of the same program being transmitted among the plurality of channels, it nonetheless teaches of programs being received on different channels. Hence, one of ordinary skill in the art would be able to realize that if different programs may be received in parallel, then the same could be true of receiving the same program among different channels, such as that of nvd transmission systems, as it is dependent on what is being broadcast on the different channels. Thus when combined, the system may also be realized by one of ordinary skill in the art to result in a system in which the multiple channels are used to receive and store the same program. Moreover, the program residing on each of the different channels of Ebisawa may also be construed as being each an individual different program, since the programs are on a different channel and playing at different time staggered intervals, thus being different and making the combination appropriate and teaching the applicants claimed invention. Furthermore, it is notoriously well known in

the art to receive the time segments and of a time staggered version of same program on different channels in parallel as disclosed by Eager et al., US 6,868,452 (See col. 2 lines 30-65 and col. 7 lines 8- col. 8 lines 10) referenced from the most recently submitted IDS of 4/17/09. Therefore, not only does the combination of Ebisawa and Artigalas teach the applicants claimed invention but the combination of Ebisawa and Eager also teaches the applicants claimed invention.

For the reasons stated above, the rejections are maintained.

#### ***Contact***

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ricky Chin whose telephone number is 571-270-3753. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on 571-272-7296. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Art Unit: 2423

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